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Counsel for Defendant Frank Toppo

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

MANUAL MAIRS: an individual, and  
JACQUELINE MAIRS, an individual

Plaintiff,

vs.

ROBERT BECKETT, Nye County District  
Attorney; NYE COUNTY, NEVADA, a  
political subdivision of the State of  
Nevada; FRANK TOPPO, an individual;  
and DOES1 through 100 inclusive,

Defendant,

) Case No: 2:10-CV-00874-JCM-PAL

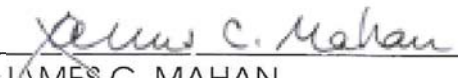
) **ORDER DENYING MOTION FOR LEAVE  
TO AMEND (#21)**

This MATTER IS BEFORE THE Court on Plaintiffs' Motion for Leave to File Second Amended Complaint (# 21). The court held a noticed hearing on November 4, 2010, where Thomas Gibson was present for Defendant Frank Toppo, Thomas Beko was present for Defendant Nye County and Jeff Pitegoff present for Defendant Robert Beckett. Lisa Rassmussen, Plaintiff's counsel did not attend. Arguments were heard by Defendant's respective counsels regarding Plaintiff's Motion for Leave to Amend (# 21). Based on oral arguments, written points and authorities submitted by the parties briefing Plaintiffs' motion, the Court finds the Plaintiffs have not met the standard required to proceed with

additional claims asserted in the Proposed Amended Complaint (#21-1). See, *Bell Atlantic Corp v. Twombly*, \_\_\_ U.S., 127 S. Ct. 1995, 1964(2007)(a complaint must "raise a right to relief above the speculative level" and "state a claim to relief that is plausible on its face" to survive a motion to dismiss); *see also*, *Ashcroft v. Iqbal*, --U.S., \_\_\_, 129 S. Ct. 1937, 1949 (2009). The Court additionally finds that addition of such claims into the present litigation is inappropriate as theses claims would unduly complicate this litigation.

**IT IS THEREFORE ORDERED** Plaintiffs' Motion for Leave to File Second Amended Complaint (#21) is hereby **DENIED**.

DATED this 17th day of November, 2010.

  
JAMES C. MAHAN  
UNITED STATES DISTRICT COURT JUDGE

RESPECTFULLY SUBMITTED this 12<sup>th</sup> day of November, 2010.

By: /s/Thomas J. Gibson, Esq.

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**CERTIFICATE OF SERVICE**

I hereby Certify that, pursuant to FRCP Rule 5(b)(3) and this Court's Special Order 109, a true and correct copy of the forgoing document was served THIS 12<sup>TH</sup> Day of November, 2010, via the Court's CM/ECF electronic filing system upon the following individuals:

Thomas P. Beko, Esq.  
Brent L. Ryman, Esq.  
*Attorneys for Nye County*

Lisa Rasmussen, Esq.  
*Attorney for Plaintiffs*

Jeffrey Pitegoff, Esq.  
*Attorney for Robert Beckett*

Dated this 12<sup>th</sup> Day of November, 2010

/s/ Thomas J. Gibson, Esq.

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